

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

BABYAGE.COM, INC.,	:	
	:	
Plaintiff-Counterclaim Defendant	:	CIVIL ACTION NO. 3:07-CV-01600-ARC
	:	
v.	:	
	:	Judge A. Richard Caputo
LEACHCO, INC.,	:	
	:	
Defendant-Counterclaim Plaintiff/ Third Party Plaintiff	:	Filed Electronically
	:	
and	:	
	:	
JAMIE S. LEACH,	:	
	:	
Counterclaim Plaintiff/ Third Party Plaintiff	:	
	:	
v.	:	
	:	
JOHN M. KIEFER, JR.,	:	
	:	
Third Party Defendant	:	

PRE-TRIAL DISCLOSURES
PURSUANT TO Fed. R. Civ. P. 26(a)(3)
OF BABYAGE.COM, INC. AND JOHN M. KIEFER, JR.

Plaintiff-Counterclaim Defendant, BabyAge.com, Inc., and Third Party Defendant, John M. Kiefer, Jr. (hereinafter collectively referred to as "BabyAge"), by and through their attorney, Andrew J. Katsock, III, Esquire, hereby submit their Pre-Trial Disclosures pursuant to Fed. R. Civ. P. 26(a)(3). These Disclosures are made without in any way waiving any objections BabyAge may have as to the competency, relevance, materiality, privilege and admissibility of evidence for any purpose in this proceeding or any other action. BabyAge has not and will not disclose such information which is protected by the attorney-client privilege or any other

applicable privilege, or which constitutes attorney work product. BabyAge reserves the right to revise, correct, supplement or amend the Disclosures set forth herein.

(A) Witnesses whom BabyAge expects to present:

- John M. Kiefer, Jr.
BabyAge.com, Inc.
360 Stewart Road
Wilkes-Barre, PA 18706
Telephone No.: (570) 706-2450
- Jacob Weiss
BabyAge.com, Inc.
360 Stewart Road
Wilkes-Barre, PA 18706
Telephone No.: (570) 706-2450
- Mitchell A. Smolow, Esquire
Registered Patent Attorney
720 Hampton Road
Shavertown, PA 18708
Telephone No.: (570) 714-4000
- Jamie S. Leach
Leachco, Inc.
130 East 10th Street
Ada, OK 74821
Telephone No.: (580) 436-1142
- Clyde E. Leach
Leachco, Inc.
130 East 10th Street
Ada, OK 74821
Telephone No.: (580) 436-1142

Witnesses whom BabyAge may call if the need arises:

- Mary M. Lee, Esquire
Mary M. Lee, P.C.
1300 East Ninth Street, Suite 4
Edmond, OK 73034
Telephone No.: (405) 285-4490

(B) Witnesses whose testimony is expected to be presented by means of a deposition:

None

(C) Documents and Exhibits BabyAge expects to offer:

- a. U.S. Patent No. 6,760,934
- b. E-mail of Mitchell A. Smolow, Esquire, regarding design of BabyAge's Today's Mom Cozy Comfort Pillow
- c. Letter to Jack Kiefer from Mary M. Lee, dated April 3, 2007
- d. Letter to Mary M. Lee from Mitchell A. Smolow, dated April 9, 2007
- e. Letter to Mary M. Lee from Mitchell A. Smolow, dated April 12, 2007
- f. Letter to Mitchell A. Smolow from Mary M. Lee, dated April 19, 2007
- g. E-Mail to Mary M. Lee from Mitchell A. Smolow, dated May 8, 2007
- h. Letter to Mitchell A. Smolow from Mary M. Lee, dated June 11, 2007
- i. Letter to Mary M. Lee from Mitchell A. Smolow, dated June 12, 2007
- j. Letter to Mitchell A. Smolow from Mary M. Lee, dated June 18, 2007
- k. Letter to Mitchell A. Smolow from Mary M. Lee, dated July 11, 2007
- l. E-Mail to Mary M. Lee from Mitchell A. Smolow, dated July 27, 2007
- m. Letter to Mitchell A. Smolow from Mary M. Lee, dated August 1, 2007
- n. Letter to Mary M. Lee from Mitchell A. Smolow, dated August 31, 2007
- o. October 29, 2007 BabyAge Internet Advertising of Today's Mom Cozy Comfort Pillow
- p. October 29, 2007 BabyAge Internet Advertising of Today's Mom Cozy Comfort Pillow
- q. October 29, 2007 BabyAge Internet Advertising of Today's Mom Cozy Comfort Pillow
- r. October 29, 2007 BabyAge Internet Advertising of Today's Mom Cozy Comfort Pillow

- s. October 29, 2007 BabyAge Internet Advertising of Today's Mom Cozy Comfort Pillow
- t. October 29, 2007 BabyAge Internet Advertising of Today's Mom Cozy Comfort Pillow
- u. Advertising of Today's Mom Cozy Comfort Pillow on Target website
- v. Advertising of Today's Mom Cozy Comfort Pillow on Baby Universe.com website
- w. Advertising of Today's Mom Cozy Comfort Pillow on Walmart website
- x. Miscellaneous marketing pieces of Today's Mom Cozy Comfort Pillow on BabyAge.com website
- y. Today's Mom Cozy Comfort Pillow device
- z. Back 'N Belly Contoured Body Pillow device

Documents and Exhibits BabyAge may offer if the need arises:

- a. Miscellaneous marketing pieces of Leachco's Back 'N Belly Contoured Body Pillow
- b. Photographs of Today's Mom Cozy Comfort Pillow
- c. Photographs of Back 'N Belly Contoured Body Pillow

Respectfully submitted,

Date: December 1, 2008

/s/ Andrew J. Katsock, III, Esquire
ANDREW J. KATSOCK, III, ESQUIRE
Attorney for Plaintiff-Counterclaim Defendant,
BabyAge.com, Inc., and
Third Party Defendant, John M. Kiefer, Jr.

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